

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**HAWK TECHNOLOGY SYSTEMS, LLC,**

**Case No. 2:20-cv-2766-McCalla/Pham**

**Plaintiff,**

**v.**

**CASTLE RETAIL, LLC,**

**Defendant.**

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

COMES NOW, Plaintiff, Hawk Technology Systems, LLC, by and through its undersigned counsel, and files this, its Motion for Extension of Time to File Response to Defendant, Castle Retail, LLC, and would state unto the Court, the following:

1. Defendant, Castle Retail, LLC, filed its Motion to Dismiss on December 23, 2020. On January 7, 2021, the parties filed a joint motion requesting an extension of time for the Plaintiff to respond to the motion to dismiss, and for Defendant's to file its reply.
2. Plaintiff had hired an experienced patent attorney, David Bailey, to act as trial counsel and to respond to the motion to dismiss in this matter. Plaintiff was advised yesterday that attorney Bailey, who was terminally diagnosed with pancreatic cancer, has now taken a turn for the worse and is bedridden and he has given up the practice of law.
3. Due to the condition of attorney Bailey, Plaintiff's counsel needs additional time within which to associate trial counsel to respond to Defendant's motion.

4. Counsel for Plaintiff is requesting an extension to, and including, Tuesday, February 16, 2021, within which to associate a patent attorney and file its response to the motion to dismiss.

5. This motion is not being filed in an effort to delay this case, but to afford Plaintiff's counsel adequate time to associate other counsel and prepare an adequate response on behalf of the Plaintiff.

6. Counsel for Plaintiff has conferred with counsel for Defendant, and counsel for Defendant has no objection to the requested extension.

**WHEREFORE**, Plaintiff, Hawk Technology Systems, LLC, respectfully requests that this Court grant its Motion for Extension of Time to File its Response to Defendants, Castle Retail, LLC's Motion to Dismiss on or before Tuesday, February 16, 2021, and for any other relief that the Court may deem just and equitable.

**RESPECTFULLY SUBMITTED**, this the 27<sup>th</sup> day of January, 2021.

s/Frank J. Dantone

**FRANK J. DANTONE (DAN054)**

**HENDERSON DANTONE, P.A.**

241 Main St. (38701)

P.O. Box 778

Greenville, MS 38702

Telephone No. (662) 378-3400

Facsimile No. (662) 378-3413

Email: [fd@hdpa.com](mailto:fd@hdpa.com)

Attorney for Plaintiff,

Hawk Technology Systems, LLC

**CERTIFICATE OF SERVICE**

I, Frank J. Dantone, counsel for Plaintiff, do hereby certify that on January 27, 2021, I electronically filed this document through the ECF system, which will send a notice of electronic filing to the following:

Justin J. Hasford, Esq.  
*Finnegan, Henderson,  
Farabow, Garrett & Dunner, LLP*

Robert Mark Field, Esq.  
*Evans Petree PC*

s/Frank J. Dantone